

Amendment No. 1 to HB3033

Watson
Signature of Sponsor

AMEND Senate Bill No. 3354

House Bill No. 3033*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 37-1-107(e), is amended by deleting the subsection in its entirety and by substituting instead the following:

(e)

(1)

(A) Any party may, within five (5) days thereafter, excluding nonjudicial days, file a request with the court for a review of the magistrate's order by the judge of the juvenile court.

(B)

(i) Where a request for review by the juvenile court judge is filed in accordance with subdivision (e)(1)(A), and the order or judgment of the juvenile court is appealable pursuant to § 37-1-159(a) or (d), the review by the juvenile court judge shall be limited to a review of the record of the proceedings before the magistrate.

(ii) Where a request for review by the juvenile court judge is filed in accordance with subdivision (e)(1)(A), and the order or judgment of the juvenile court is appealable pursuant to § 37-1-159(g), the juvenile court judge shall hear the case in a de novo hearing.

(C) Notwithstanding subdivision (e)(1)(A), where a party fails to appear, without just cause, before a magistrate after being properly served with notice of the hearing, that party waives the right to a de novo

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hearing before the juvenile court judge. Any appeal of that magistrate's recommendation shall be limited to a review of the record of the proceedings before the magistrate.

(2) Notwithstanding subdivision (e)(1), the juvenile court judge may, on the judge's own motion, order a de novo hearing of any matter heard before a magistrate.

(3) Unless the juvenile court judge orders otherwise, the recommendation of the magistrate shall be the decree of the court pending a hearing before the juvenile court judge.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.